

Monitoring of *Democratic Reforms in Armenia*, by the Yerevan Press Club, Partnership for Open Society and other organisations

The Yerevan Press Club is the first professional association of journalists in Armenia of the post-communist period. It is a non-profit NGO that unites journalists, publishers, media leaders and experts, irrespective of their political ideas. The *Partnership for Open Society* initiative is an open coalition of civil society actors in Armenia, which strives to promote the democratic reform process in Armenia. Seven other organisations participated in the monitoring.

Monitoring of Democratic Reforms in Armenia

Report on 'Monitoring of Democratic Reforms in Armenia' (<http://tinyurl.co.uk/0w80>)¹

1. Which organisation(s) carried out the monitoring?

The monitoring was mainly initiated and coordinated by the Yerevan Press Club (www.ypc.am), together with a few members of the Partnership for Open Society (www.partnership.am).

The Yerevan Press Club (YPC) was founded in July 1995 and is the first professional association of journalists in Armenia established during the post-communist period. The YPC's mission is to support the development of independent and professional media, to help strengthen democratic institutions and to establish civil society in Armenia.

The Partnership for Open Society (POS) is a coalition of civil society actors – NGOs and individuals. POS is a coalition of truly independent and influential NGOs, donors, and international agencies, both in Armenia and in the diaspora. POS serves to promote and safeguard the democratic reform process in Armenia through:

- initiating public debate on broad issues related to Armenia's membership of the Council of Europe (CoE) and the compliance of ongoing legal reforms with the country's commitments undertaken towards the CoE and other international bodies - issues that relate to the status of free and independent media, human rights (with a special focus on the rights of minorities and vulnerable groups), civic liberties, and economic development;
- conducting policy analysis, and developing suggestions to Parliament and the executive bodies on specific policies and legislation within this domain;
- attracting expertise for the professional assessment of the needs, legal framework and developed policies within these areas;
- educating the general public on the state of the reforms and initiating debate around the above-mentioned issues, through specially designed and conducted media outreach.

A number of other organisations, all members of the POS, later joined the monitoring project. The selection of the participants was based on professional expertise and implemented projects, in the specific thematic areas covered by the monitoring. The other participating organisations were: The Bar Association of the Republic of Armenia and the following NGOs: Democracy, Internews-Armenia, the Committee for Freedom of Speech, the Helsinki Committee of Armenia, Collaboration for Democracy, and the Caucasian Center for Peacemaking Initiatives.

2. What did you monitor?

The monitoring aimed to provide an alternative assessment of Armenia's fulfilment of its commitments towards the Council of Europe (CoE).

The Republic of Armenia became a fully-fledged member of the CoE on 25 January 2001. As such, it assumed certain commitments and obligations. The monitoring focuses specifically on Armenia's commitments in the field of *human rights and democracy*.

The main benchmarks for the monitoring are the various relevant CoE documents, especially Armenia's application for CoE Accession and the subsequent opinions and resolutions of the Parliamentary Assembly of the Council of Europe (PACE). In particular:

- PACE Opinion No. 221 (2000) on Armenia's application for membership of the Council of Europe (28 June 2000, <http://tinyurl.co.uk/wt8q>)²
- PACE Resolution 1361 (2004) on the Honouring of Obligations and commitments by Armenia (27 January 2004, <http://tinyurl.co.uk/vif3>)³
- PACE Resolution 1374 (2004) on the Honouring of Obligations and commitments by Armenia (27 January 2004, <http://tinyurl.co.uk/f2ia>)⁴
- PACE Resolution 1405 (2004) on Implementation of Resolutions 1361 (2004) and 1374 (2004) on the Honouring of Obligations and Commitments by Armenia (27 January 2004, <http://tinyurl.co.uk/f2ia>)⁵

3. Please explain the rationale for the monitoring? What factors motivated the decision to carry out the monitoring?

The main motivation behind the decision to carry out the monitoring was to gain an understanding of the *real* situation in the country with regard to democratic reforms, to reveal areas where reforms are incomplete and of a superficial nature, and to provide recommendations for further progress.

A main premise of the monitoring was that indigenous civil society actors are in a better position to assess the real progress of democratic reforms in the country, than are external observers. Civil society organisations in Armenia have observed that the Armenian authorities have become skilful and mature in manipulating the process of democratic reform and the reform agenda. As such, in many cases the assessments of democratic development in Armenia carried out by international observers – in particular the CoE - do not correspond to reality.

4. Please describe the methodology used for the monitoring

The monitoring focuses on *human rights and democracy* issues. It covers the following thematic areas:

1. Constitutional Amendments;
2. Elections, Referenda: Legislation and Practice;
3. Judicial Reform;
4. Demonstrations, Meetings, and Free Movement of Persons;
5. Torture and Ill-treatment;
6. The Human Rights Defender Institution;
7. Freedom of Conscience and Religious Organisations;
8. National and Ethnic Minority Rights;
9. Alternative Service;
10. Legislation on Personal Data Protection;
11. Freedom of Expression and Information.

5. How did you collect data?

Research on the 11 thematic areas covered both the legislative framework and its implementation in practice, including documentation of concrete violations. The main sources of information for the monitoring included the following:

Review and analysis of:

- legislation;
- judicial acts, and administrative decisions and actions by governmental bodies;
- media reports; and
- correspondence between citizens and civil society with public officials.

Also:

- individual interviews with political leaders, Government officials and civic activists;
- the findings of a group of civil society observers on penitentiary institutions;
- monitoring and screening of media;
- analysis of statistical data; and

- sociological surveys.

Role of partner organisations:

The partner organisations involved in the monitoring carried out the following roles in the various thematic areas covered by the monitoring:

“Democracy” NGO:

- *Constitutional reforms*: including legal analysis of amendments to the Armenian Constitution;
- *Elections and referenda*: including legal analysis of electoral legislation, and assessment of local elections and referendum processes in 2005;
- *Judicial reform*: including analysis of the current stage of judicial reforms, in the light of amendments to the Armenian Constitution and Armenia’s commitments to the CoE.

The Bar Association of the Republic of Armenia:

- *Constitutional reforms*: including legal analysis of amendments to the Armenian Constitution;
- *Judicial reform*: including analysis of the current stage of judicial reforms, in the light of amendments to the Armenian Constitution and Armenia’s commitments to the CoE;
- *National and ethnic minority rights*: overview of the legislative framework for ensuring the rights of national and ethnic minorities; analysis of the situation in the country with regard to the protection of national and ethnic minority rights.

“Internews-Armenia” NGO:

- *Legislation on personal data protection*: analysis of legislative framework and practices;
- *Freedom of expression and information*.

“Committee for Freedom of Speech” NGO:

- *Freedom of expression and information*.

“Helsinki Committee of Armenia” NGO:

- *Demonstrations, meetings and free movement of persons*: including an overview of the legislative framework and of cases of violations of freedom of demonstration, meeting and free movement of persons;
- *Torture and ill-treatment*: including an overview of the legislative framework;
- *Human Rights Defender*: overview of the legislative framework for activities of the Human Rights Defender, and analysis of developments around the institution;
- *Alternative service*: analysis of legislation on alternative service to obligatory military service.

“Collaboration for Democracy” NGO:

- *Freedom of Conscience and religion*: overview of the legislative framework ensuring freedom of conscience and religion; analysis of practices with regard to the due protection of the right to freedom of conscience and religion.

“Caucasian Center for Peacemaking Initiatives” NGO:

- *Human Rights Defender*: overview of the legislative framework for activities of the Human Rights Defender, and analysis of developments around the institution.

6. What was the final output of the monitoring?

The final output of the monitoring was the ‘Report on Monitoring of Democratic Reforms in Armenia’ (183 pages), which was published in Armenian and English in December 2005. The report is available on the POS and Yerevan Press Club websites.

7. Please describe any advocacy activities carried out to publicise the results of the monitoring?

Presentations of the report were organised in January 2006 in Yerevan, with the participation of relevant governmental agencies, representatives of international organisations, embassies, and civil society. There was a series of four in-depth presentations, covering all the major parts of the commitments, followed by a question and answer session, and discussion from the floor. The presentations were widely covered by newspapers and television channels, and attracted significant media coverage.

The final report was distributed widely among relevant governmental agencies, international organisations and civil society. Civil society groups have presented it to various interested parties during numerous public events and individual meetings. The report was also widely distributed within the CoE.

8. What do you think was the main impact of the monitoring? Do you consider it a 'success'?

The main impact of the monitoring is twofold:

First, it provides leverage for civil society and other interested parties, by putting pressure on the authorities for *genuine* democratic development of the country — as opposed to imitative and superficial reforms.

Second, it promotes a sense of responsibility and accountability within the Government, due to the fact that it will be permanently and regularly implemented by well-informed, local civil society organisations. This contrasts to the irregular monitoring missions of international NGOs and international organisations.

The monitoring has proved to be a success. Its findings have been effectively used during various advocacy efforts by civil society organisations pursuing true democratic reforms and due implementation of Armenia's commitments toward the international community. One of the most vivid examples of this was the discussion provoked by the annual report of Human Rights Watch (HRW), which addressed the situation with respect to the protection of human rights in Armenia. Thanks to the findings of the monitoring, civil society was able to challenge the dismissive allegations of the Government with respect to the report, and to formulate its own observations on human rights practices in Armenia

The monitoring report also served as reference material for civil society in preparing conceptual suggestions for the ENP Action Plan (available at www.partnership.am) in the areas covered by monitoring. The report was useful in demonstrating that concrete reforms or areas have not been sufficiently thorough or systemic. It also enabled civil society to demand inclusion of these issues into the action plan.

The results of the monitoring were also used in backing other legislative initiatives of the partners in respective areas

9. Please describe any barriers you encountered during the monitoring?

The main barriers were *legislative*. For example, there were no provisions for civic monitoring of pre-trial detention facilities. The legislative framework did not allow for claim and access to the detention facilities

There were also some *methodological* difficulties. In some areas, such as in court monitoring, the methodology used was substantially different from other areas and the results were therefore difficult to bring to conformity.

Finally, there were some *project management* difficulties, mainly due to the fact that the organisations conducting the monitoring were very different in their professional and organisational capacity. The Yerevan Press Club (YPC) was responsible for overall project management.

10. Are there any 'lessons learned' you would like to share with other organisations carrying out monitoring?

The monitoring project proved to be a real learning experience for the Yerevan Press Club and the Partnership for Open Society in how to more efficiently manage such a large group of project partners. It also provided a better understanding of future advocacy strategies.

11. Will there be any follow-up to the monitoring?

The monitoring is intended to be a permanent monitoring exercise and planned to be repeated (exact timeframe not yet available).

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- ¹ Full URL: <http://www.ypc.am/Old/Downlowds/monitoring-eng-05.pdf>
 - ² Full URL: <http://assembly.coe.int/main.asp?Link=/documents/adoptedtext/ta00/eopi221.htm>
 - ³ Full URL: <http://assembly.coe.int/main.asp?Link=/documents/adoptedtext/ta04/eres1361.htm>
 - ⁴ Full URL: <http://assembly.coe.int/main.asp?Link=/documents/adoptedtext/ta04/eres1374.htm>
 - ⁵ Full URL: <http://assembly.coe.int/main.asp?Link=/documents/adoptedtext/ta04/eres1374.htm>